

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES D. SMITH,

Plaintiff,

v.

BRIAN MCGARVIE, *et al.*,

Defendants.

Case No. C05-5156RJB

ORDER GRANTING
PLAINTIFF'S MOTIONS TO
AMEND COMPLAINT

This matter comes before the court on plaintiff's motion to amend his complaint to add Kerri McTarsney as a defendant (Doc. 64), and plaintiff's motion seeking court assistance in discovery (Doc. 58). The Court, having reviewed these motions and the balance of the record, does hereby ORDER:

(1) Plaintiff's motion to amend his complaint is **GRANTED**. Four factors are relevant to whether a motion for leave to amend pleadings should be denied: undue delay, bad faith or dilatory motive, futility of amendment, and prejudice to the opposing party. United States v. Webb, 655 F.2d 977, 980 (9th Cir. 1981).

Defendants do not oppose the motion provided they are granted an extension of time to conduct the necessary discovery related to this defendant and the cause(s) of action being brought to support a claim against this defendant. Plaintiff has recently filed a proposed amended complaint (Doc. 69), and the court will note that it is plaintiff's responsibility to properly serve the Amended Complaint, as well as any other pleadings in this matter on defendants' counsel of record. .

(2) Plaintiff's motion for court assistance in discovery is **DENIED**. Essentially, plaintiff is asking the court to assist in conducting depositions in this matter. The court, in a previous order, explained that plaintiff

1 must explore other options and alternatives to conduct discovery and to prepare for trial.

2 (3) In light of the court's rulings above, the parties shall comply with the following deadlines. All
3 discovery shall be completed by not later than April 15, 2006. Any dispositive motions shall be filed by not
4 later than June 15, 2006, and the joint status report shall be filed on or before August 30, 2006.

5 (4) The Clerk is directed to send copies of this Order to plaintiff and to counsel for the defendants.

6 DATED this 20th day of January, 2006.

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8 /s/ J. Kelley Arnold

9 J. Kelley Arnold

10 United States Magistrate Judge
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